

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent America	Zamaka Off
In re Patent Application of)
Richard DEROSE et al.) Group Art Hair, 1600
Continuation of Application Serial No. 09/000,062, filed May 29, 1998) Group Art Unit: 1638)) Examiner: O. Zaghmout)
Filed: December 21, 2001)
For: ISOLATED DNA SEQUENCE CAPABLE OF SERVING AS REGULATORY ELEMENT IN A CHIMERIC GENE WHICH CAN BE USED FOR THE TRANSFORMATIO OF PLANTS))))) N)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98:

U.S. Patent Nos. 5,491,288; 5,635,618; 5,510,471; 4,535,060; and 4,971,908;

Foreign Patent Documents 0507698 EP; 95/06128 WO; 0652286 EP; and 0508909 EP;

Sundas et al., Plant Molecular Biology, Vol. 21, pp. 595-605 (1993), Kluwer Academic Publishers, The Netherlands;

Chaubet et al., Journal of Molecular Biology, Vol. 225, pp. 569-574 (1992), Academic Press, USA;

Tanaka et al., Nucleic Acids Research, Vol. 18, No. 23, pp. 6767-6770 (1990), Oxford University Press, United Kingdom;

Information Disclosure Statement Continuation of Application Serial No. 09/000,062 Attorney's Docket No. 022650-685 Page 2

Sinibaldi et al., *Progress in Nucleic Acid Research and Molecular Biology*, Vol. 42, pp. 229-257 (1992), Academic Press, USA;

Seiler-Tuyns et al., *Nucleic Acids Research*, Vol. 14, No. 22, pp. 8845-8862 (1986), Oxford University Press, United Kingdom;

CHOI et al, "A Generic Intron Increases Gene Expression in Transgenic Mice", *Molecular and Cellular Biology*, (1991) Vol. 11, No. 6, pp. 3070-3074, American Society for Microbiology, USA:

JAYAWARDENE.et al, "Molecular cloning, sequence analysis and differential expression of an intron-containing gene encoding tomato histone H1", *Eur. J. Bioch.* (1994) Vol. 223:693-699, FEBS, Canada; and

CORNEJO et al., "Activity of a maize ubiquitin promoter in transgenic rice", *Plant Molecular Biology* (1993) Vol. 23:567-581, Kluwer Academic Publishers, Belgium.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

Copies of the listed documents were previously submitted in prior Application Serial No. 09/000,062, filed May 29, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98(d), copies of the listed documents are not included.

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To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

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Date: December 21, 2001

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO. 022650-685	CONTINUATION S APPLICATION S 09/000,062	
APPLICANT Richard DEROSE et al.		o To
FILING DATE December 21, 2001	GROUP 1638	83. 83.

			U.S. PATENT DOCUMENTS				ရိုင်မ
	U.S. Patent D	Document					
Examiner Initials	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document		Date of Publication (MM-DD-YYYY)		
	5,491,288		Chaubet et al	02/13/96			
	5,635,618		Capellades et al	06/03/97			
	5,510,471		Lebrun et al		04/23/96		
	4,535,060 Comai				08/13/85		
	4,971,908		Kishore et al		11/20/90		
		F	OREIGN PATENT DOCUMENTS				
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		NON F	PATENT LITERATURE DOCUME	NTS			
	SUNDAS et al,	"Genes Enco	oding a Histone H3.3-like Varia	nt in <i>Ara</i>	hidansis Cantain	Interv	
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	Publishers, The CHAUBET et al Limited, USA.	Netherlands ., Journal of Nucleic Acid	Molecular Biology, Vol. 225, p ds Research, Vol. 18, No. 23, p	595-605 p. 569-9	5, Kluwer Acaden 574 (1992), Acad	nic 	
	Publishers, The CHAUBET et al. Limited, USA. TANAKA et al, University Press	Netherlands ., Journal of Nucleic Acids s, United Kin	Molecular Biology, Vol. 225, p ds Research, Vol. 18, No. 23, p gdom. Nucleic Acid Research and Mo	595-608 p. 569-9 p. 6767	5, Kluwer Acaden 574 (1992), Acad -6770 (1990), O	nic demic F xford	Pres
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	Publishers, The CHAUBET et al. Limited, USA. TANAKA et al, University Press SINIBALDI et al 257 (1992), Ac SEILER-TUYNS University Press CHOI et al, "A Cellular Biology USA. JAYAWARDENI	Netherlands Nucleic Acid Nucleic Acid Nucleic Acid Nucleic Acid Nucleic Acid Nucleic N	Molecular Biology, Vol. 225, p ds Research, Vol. 18, No. 23, p gdom. Nucleic Acid Research and Mo is, USA. To Acids Research, Vol. 14, No. gdom. on Increases Gene Expression in	p. 569-9 p. 6767 p. 6767	5, Kluwer Acaden 574 (1992), Acad 6770 (1990), O Biology, Vol. 42, 8845-8862 (198 enic Mice", Mole Society for Micro	mic demic F xford pp. 22 86), Ox cular as bbiolog	9- nd y,
	Publishers, The CHAUBET et al. Limited, USA. TANAKA et al, University Press SINIBALDI et al 257 (1992), Ac SEILER-TUYNS University Press CHOI et al, "A Cellular Biology USA. JAYAWARDENI intron-containin FEBS, Canada. CORNEJO et al.	Netherlands , Journal of Nucleic Acids, United King , Progress in ademic Prese et al, Nucleis, United King Generic Intro , (1991) Vol E et al, "Molag gene enco	Molecular Biology, Vol. 225, p. ds Research, Vol. 18, No. 23, p. gdom. Nucleic Acid Research and Moss, USA. C Acids Research, Vol. 14, No. 19 gdom. In Increases Gene Expression in 11, No. 6, pp. 3070-3074, Acceptable of the control of the cont	p. 569-9 p. 6767 p. 6767 22, pp. Transgmerican sis and of	5, Kluwer Acaden 574 (1992), Acad 574 (1992), Acad 5-6770 (1990), O Biology, Vol. 42, 8845-8862 (198 enic Mice", Mole Society for Micro differential expres . (1994) Vol. 223	mic demic F xford pp. 22 86), Ox cular ac bbiolog ssion of	9- sfor nd y, f ar

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.